

REMARKS

This Amendment is filed in response to the Office Action dated June 1, 2004. All objections and rejections are respectfully traversed.

Claims 1-25 are in the case

Claims 22-25 have been added to better claim the invention.

Claims 18-21 have been amended to better claim the invention.

Claims 10 and 12-15 have been cancelled without prejudice.

At paragraph 3 of the Office Action, claim 20 was objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Examiner points out that because the method steps of claim 20 are directed to use with a computer, their use must inherently be embodied as a computer readable media (or electromagnetic signals). Applicant respectfully suggests that computer readable media may be stored on (or transmitted through) some other device prior the computer executing the instructions and performing the method steps contained therein, and are therefore directed toward different subject matter. Claim 20 has been amended into clearer independent form, and is believed to be in allowable condition.

At paragraph 4 of the Office Action, claims 18 and 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 18 and 19 have been amended, and are believed to be in allowable condition.

At paragraph 5 of the Office Action claim 21 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. It is asserted that: "This claim is di-

rected to a non-statutory subject matter (**a signal per se**), which is not tangibly embodied on a computer readable medium so is to be executable.”

Claim 21 is:

21. Electromagnetic signals travelling over a computer network, comprising:

the electromagnetic signals carrying instructions for executing on a computer for the practice of the method of,

receiving a message into a distributor software application, said message indicating an anomaly on a network device;

filtering the message by a filtering program that contains a filtering expression for testing a value of an argument contained in the message, and the filtering expression is created at run time; and,

transmitting the message through a transmitting device if a result of the filtering expression is true.

Applicant respectfully points out that MPEP 2106 IV, B, 1 (c) states:

“Natural Phenomena Such as Electricity and Magnetism.

... However, a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature.”

Applicant respectfully points out that the form of claim 21 meets the “practical application” requirement of MPEP 2106 IV, B, 1 (c) because the claims are to: “*the electromagnetic signals carrying instructions for executing on a computer for the practice of the method of,*” and then the method that is spelled out in the claim.

Accordingly, Applicant respectfully urges that claim 21 meets all statutory requirements of 35 U.S.C. §101, particularly as further set out in MPEP 2106 IV, B, 1 (c).

At paragraph 8 of the Office Action, claims 10, 12, and 18 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 6, 10, and 16 of prior U.S. Patent No. 6,381,630, a statutory double-patenting rejection. Claims 10 and 12-15 have been canceled, and claim 18 has been amended and is believed to be in allowable condition.

At paragraph 11 of the Office Action, remaining claims 1-9, 11, 16-17, and 19-21 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,381,630. The present application is a commonly owned continuation application of U.S. Patent No. 6,381,630, both of which are assigned to Cisco Technology, Inc., the assignment recorded in the United States Patent and Trademark Office on June 25, 1998 at Reel 9278, Frame 0132. Accordingly, Applicant submits with this Amendment a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome the rejection. Applicant believes that claims 1-9, 11, 16-17, and 19-21 are in allowable condition.

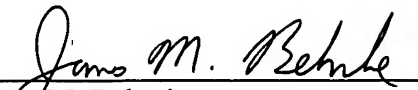
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,


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